

60 percent of our Nation's electricity today, 2021.

The United Mine Workers of America wrote that this plan would "eliminate virtually all of West Virginia's coal generation fleet of eight baseload power plants well before the end of this decade. . . . All related coal mining and utility jobs would be lost, with severe [adverse] impacts on families, communities, and the local and state tax revenues associated with mining, electric generation, and electric power [generation]."

This program is an explicit attempt to put energy producers out of work. It would use taxpayer dollars to get rid of coal and natural gas jobs in States like mine, using a convoluted system to try to mask the hit to our electricity taxpayers. And for all the promises we heard of lined-up green energy jobs for these workers to replace these jobs, I am certainly not seeing many of those in my State, certainly not the tens of thousands of jobs that would be needed to make up for the lost jobs. And I am definitely not seeing any of those green jobs pay—the pay on those green jobs even close to what a miner would make or somebody in the natural gas business.

But the Clean Electricity Performance Program will impact more than just my home State, of course. If California is any indication, the clean electricity payment plan will lead to less reliability, rolling blackouts all across the country, and higher energy prices. We don't need to wait and see how a plan like this will impact a powerhouse country like ours.

Germany is already trying this. According to Forbes Magazine, our German friends are spending as much as \$4 trillion to install as much wind and solar capacity as possible—laudable goal—and to drastically curtail and hopefully eliminate the need for coal, natural gas, and nuclear. This has left Germany with the highest electricity prices in the world—harming their households and their world-famous manufacturing sector. When they have found themselves short of supply, they have to import coal-fired electricity from Poland.

We, here, in this country, would have no kind of international fallback. So while we try to mimic a path similar to Germany and shut down American coal mines, meanwhile China is building new coal plants that will wash out any of our supposed carbon reductions. American energy prices will skyrocket, and the Clean Energy Payment Plan will make a negligible impact on global emissions.

The Greenhouse Gas Reduction Fund is another absurd provision in this reconciliation package. This is basically a \$27.5 billion slush fund for Democrat States to use whatever they would use for their so-called green projects. This will increase our reliance on critical minerals and energy supplies that we get from China and other international competitors trying to put forward en-

ergy-free technologies and particularly looking at the production of lithium batteries and solar energy that is primarily produced in China.

Another egregious provision tucked away in this reconciliation package is a \$50 million expenditure to EPA to write new clean air regs. That is right, \$50 million. They would give \$50 million to write a new version of President Obama's Clean Power Plan and other devastating climate regulations. With the money, EPA will hire extra lawyers and bureaucrats to write additional regulations under section 111 and other provisions of the Clean Air Act in ways that they have never done before, all, in my view, which would put my hard-working West Virginians out of a job.

These are just a few of the environmental provisions in this reckless tax-and-spending spree. But the package is much broader than that. It is a wish list rolled into a \$3.5 trillion bill that inserts the government into nearly every aspect of American life. The American people understand that passing this bill will harm our country by fueling inflation, and it will harm our country for generations to come as we add to our debt.

It is no wonder that the Democrats are having so much trouble passing this. By shuttering our Federal Surface Transportation Programs last Friday, House Democrats made it abundantly clear that despite their rhetoric, physical infrastructure is not a priority. Instead, they have said that roads, bridges, broadband, water infrastructure—all infrastructure items that Americans in both parties support are only worth funding if they are accompanied by another \$3.5 trillion in spending.

I hope that our House colleagues will change their approach. The bipartisan infrastructure bill represents good policy, and it should be allowed to pass on its own merit. It will benefit every State in this country. It will provide the certainty of 5 years of funding for our Surface Transportation Programs and avoid future lapses like we saw last Friday. These programs cannot bounce from one short-term extension to the next. We have done that before. It is very, very difficult to conduct business, and they should not play second fiddle to a package of partisan policies.

We came together in this body to pass a bipartisan infrastructure bill that the American people can be proud of, and that bill should become law soon.

I yield the floor.

THE PRESIDING OFFICER (Mr. MARKEY). The Senator from Wisconsin.

CORONAVIRUS

Mr. JOHNSON. Mr. President, last week, I came to the floor in support of Senator SCOTT's bill pushing back on what many of us consider the unconstitutional COVID vaccine mandates. I used my floor time to describe the lack of transparency of our healthcare Agencies by talking about the information that our healthcare Agencies, the

media, and the news media are not providing the American public. I come to the floor today to expand a little bit on that information.

Now, last week, I presented this chart, which shows the daily number of new cases. Those are the blue lines. You actually have daily deaths—the tragic deaths—very thin red line. But you also have this line showing the percent of fully vaccinated Americans.

Now, I pointed to this chart because this is not what I would expect to see if we had 100 percent effective vaccines. Now, let me again state, I was a big supporter of Operation Warp Speed. I am not an anti-vaxxer. I have had every vaccine up to this one because I had COVID.

So I had hoped and prayed that the COVID vaccine would be 100 percent safe and 100 percent effective, but this chart is not what I would expect to have seen with a vaccine that was highly effective and what we all were hoping would happen once we had a high percentage of Americans vaccinated, together with those who already had COVID, like myself, with natural immunity.

You can see, prior to the vaccine even being able to take effect, as the first major surge of the pandemic was winding down, I would have expected to see a continued winding down, but that is not what we saw. We have seen this surge in Delta, and we have seen additional deaths, and the tragedy continues.

Now, back on September 9, President Biden said: This pandemic is of the unvaccinated.

And he also said: This is not about freedom or personal choice.

No, this is exactly about freedom and personal choice. President Biden also said in July of this year—on July 21, he said: If you are vaccinated, you are not going to be hospitalized. You are not going to be in the ICU unit. You are not going to die. You are not going to get COVID if you have these vaccinations.

Today, I received an email from a constituent in Wisconsin. I am going to read an excerpt. I am not going to identify the individual because he fears reprisals. He has seen what happens to people that tell the truth about COVID and COVID vaccines, so I will keep his name anonymous.

But let me quote from his email: Both my parents were fully vaccinated with the Pfizer vaccine in the spring. Yet, in August, my mom became infected and then gave it to my dad. They became so sick that my sister, fully vaccinated with Moderna, moved in with them to care for them. She used PPEs and was careful, and she caught COVID too. Hence, my family, three of us, caught COVID while fully vaccinated. They spread it while they were fully vaccinated, from vaccinated to vaccinated. My mom and sister recovered. Dad died in a week at home after a 3-week stay in the local hospital.

Now, that is a tragedy. I wish what President Biden said would have been true, but it is not. That talks to the vaccine's efficacy.

Let's talk about vaccine safety. I have heard so often from who I refer to as the "COVID gods"—the healthcare Agencies, the media, the news media—that vaccine adverse events are rare, and they are mild. Well, they are rare, and they are mild until they happen to you.

Here is a chart that compares the number of deaths reported on the VAERS system. Now, this is the CDC's own vaccine adverse event reporting system. And I charted this all the way back to 1990, at the beginning of the VAERS system, and I got deaths associated with the flu vaccine there in blue. You can barely see them. But the largest year, the peak year for the VAERS-reported deaths associated with the flu vaccine was—in 2010, there was 162 reported deaths.

Now, again, I understand that the VAERS does not prove causation. I have got that. But if you compare our experience since 1990 with the flu vaccine—by the way, it is generally about a third of the number of doses for an annual flu season versus what we have experienced with the COVID vaccine.

So you compare that very low level of deaths reported on VAERS to what we now experienced with COVID, for just this count here, and it is 15,737 worldwide for the 3 vaccines that have emergency use authorization in the United States. In total, it is 15,937 deaths reported on the VAERS system.

Now, again, I realize that does not prove causation, but I do need to point out that 5,272 of those deaths occurred on day zero, 1, or 2 following vaccination. Now, if I were in the CDC or FDA, those Agencies that in October of 2020 touted the VAERS report, their early warning safety surveillance systems—before the vaccines ever got the emergency use authorization—they were talking about how they were going to rely on these to provide the safety signals. I remember one member of the CDC saying: We are going to take adverse events so seriously that if somebody loses a couple of days work, lost work time because of an adverse event, we are going to get a CDC representative on the phone with that individual, and we are going to look into it.

That simply has not happened.

Now, one thing that the FDA has done is they have ridiculed some of the early treatment drugs. I don't have it on the chart here, but I just want to put things in perspective. So, now, again, 15,937 deaths in about 10 months with the COVID vaccine. Ivermectin, since 1996, over 25 years, has 379 total deaths. That is 15,937, COVID vaccine; Ivermectin, 379 in 25 years; Hydroxychloroquine, about 1,039 deaths over 25 years; Remdesivir, which appears to be the drug of choice for hospitalized COVID patients, 1,499 deaths. Again, that is information our Federal Agencies aren't providing the Amer-

ican public, but this is information people need to know.

Now, why am I giving you this information? Well, first of all, on social media, this is suppressed. This is being censored. People like me that would even broach the subject of VAERS have been attacked.

So I think it is important to come to the Senate floor so the American people understand what is happening. But the main point I am trying to make is, those individuals who believe in their own health autonomy, believe in their own personal freedom, many of whom have already been infected with COVID, are reading the science and believe, based on what they are reading, that their natural immunity is probably as, if not more, effective than the vaccinated immunity and have chosen not to get the vaccine. That is their right. You may not agree with that, but it is not your body. It is not your right to impose on someone else a mandate to take the vaccine or take away their job, take away their livelihood, and take away their healthcare.

By the way, I am not the only one that thinks this. President Biden, back on December 4, said: I don't think it should be mandatory. I wouldn't demand it be mandatory.

The Press Secretary said: The vaccine mandate is not the Federal Government's role.

And yet here we are, nurses being fired. What do you think that is going to do to our healthcare system? We already have a severe healthcare worker shortage. We are going to exacerbate that problem.

These mandates are unconstitutional, but they are going to be incredibly harmful for military readiness and for our healthcare system. They are also going to be incredibly corrosive to our society.

I have been inundated—even well before President Biden announced his ill-advised and unconstitutional mandate, I have been inundated with emails and letters and phone calls from people who are so concerned about being coerced, being forced to take a vaccine under duress. It has had an incredibly corrosive effect on our society.

But I want to quote from one particular letter. I got this letter from a nurse. She has a master's degree. She is also a professor of nursing. She is describing what happened inside a meeting of their faculty as they were deciding how to handle mandates in their nursing school.

She writes: Some of the biggest issues today are the conversations occurring behind closed doors. Our nursing department faculty got together to decide how to handle the nearly 50 percent of students that hadn't yet received their COVID-19 vaccination and faced being dismissed from their nursing program unless they complied. The students were referred to as "ignorant," "uneducated," "killers."

This name-calling, although deeply inappropriate, is becoming the cultural

norm against the masses of those who decide that it is within their right to attack the personal choice of others.

But if I were a student or a parent of a student who heard that interaction that I am about to share with you, you would be beyond furious.

When it was determined by consensus of the faculty group that we were not going to allow any special accommodations—in other words, switching of clinical assignments or sites—to allow for the unvaccinated students to progress, and that will be the standard practice in all other nursing programs soon, one faculty member exclaimed to the group: "Good luck finding a new career."

And the group responded with laughter.

This nurse writes: Let that sink in for a moment. They laughed. They laughed at the thought of someone's dreams being crushed.

That's the effect these unconstitutional, coercive, freedom-robbing mandates are having on our society. There is no need for them.

As the previous email from my constituent that I received today proves, even if you have been fully vaccinated, you can catch COVID. You can transmit COVID. You can die from COVID. Now, it is a tragedy. I wish it weren't so, but it is true.

When are we going to start following the science? When are we going to reclaim the freedom that has been lost in this pandemic?

There has been enough harm done during the course of this pandemic. I am begging this body; I am begging the President, do no further harm.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

UNANIMOUS CONSENT REQUEST—S. 2848

Mr. LEE. Mr. President, last week, I came to the Senate floor no fewer than three times and invited my colleagues to pass bills to protect millions of Americans at risk of losing their jobs, their livelihoods, due to President Biden's COVID-19 vaccine mandate.

Unfortunately, due to objections from the other side of the aisle, these bills were not adopted. But I committed then, as I do again today, that I will be back with additional proposals for as long as it takes to beat this sweeping mandate.

Since I began this effort against the mandate, there has been a massive outpouring of support from across the country. I have heard from Americans in countless sectors, from multiple States, who are at risk of losing their jobs. These Americans just want to make their own medical decisions—a right that has always been afforded and not challenged since the beginning of our Nation.

In Utah alone, I have heard from no fewer than 184 people who are at risk of losing their livelihoods. They and so many others, those who share the same concerns, are our neighbors; they are everyday Americans, and they have legitimate medical concerns about getting the vaccine.

But President Biden doesn't care. He said simply, "This isn't about freedom or personal choice."

Well, to the millions of Americans who face the punishment of being made unemployable if they do not succumb to the President's will, this very much is about freedom and personal choice. There must be a more reasonable answer. There must be a more compassionate answer.

The COVID-19 vaccine has been deemed generally safe. I don't dispute that. In fact, I, along with my entire family, have been vaccinated. I see the development of these vaccines as a miracle and a blessing. But there are some people with preexisting conditions or complications. Many of these individuals have been advised by their trusted, board-certified doctors that they should not receive the vaccine. These Americans, they deserve to be able to make their own medical decisions, and they should not be forced by the President of the United States to go against the advice of their doctors.

Now let's look down the road at what will necessarily follow this vaccine mandate. Countless Americans who follow the recommendations of their doctors would lose their jobs in an already troubled economy. These individuals and families would not be just unemployed; the President of the United States would deem them unemployable, second-class pariahs. Businesses that dare to employ the unvaccinated would be subject to crippling fines and risk closure.

The President of the United States, unilaterally, without any say from the people's Representatives in Congress, is set on imposing financial destruction on many American families and businesses. He is even targeting those with complicated medical conditions and forcibly removing them from the economy and much of broader society.

So today, I am offering the Senate an option to take a more compassionate, reasonable approach. My bill, the Your Health Comes First Act, would exempt from the President's mandate individuals with personal health concerns related to the vaccine.

Simply put, Americans who are worried about how the vaccine would interact with or compound their existing medical difficulties would not be obligated to get it. Those who have been advised by their doctors not to get the vaccine due to preexisting medical conditions would not be forced to go against the recommendations of their doctor.

This bill is a reasonable and a compassionate solution to allow concerned Americans the dignity and autonomy we all deserve.

This isn't the only flaw with the mandate. As I have said before, the President lacks authority to do this. Neither the Federal Government, in general, nor the President of the United States, in particular, has the power under the Constitution to implement a broad mandate of this sort.

Whether you think government ought to be mandating it or not, whether you think government ought to force people out of their jobs if they refuse to get it or not, that is a different, analytically distinct question in our constitutional system from whether the Federal Government has the authority, generally, or the President, in particular, has the authority. It doesn't, and he does not.

These arguments need to remain at the forefront of the conversation: questions regarding the constitutionality and the constitutional authority to issue this in the first place.

I will be back tomorrow with another proposal, and I will be at this for as long as it takes to end this unconstitutional and uncompassionate mandate.

Mr. President, as if in legislative session, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2848, and that the Senate proceed to its immediate consideration. I ask unanimous consent that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, reserving the right to object. Yesterday, Tallahassee Memorial Hospital disclosed that 82 people died inside their healthcare system from COVID over the course of the month of September. That is the worst month on record for that hospital system.

It is not shocking to anyone because we just went passed 700,000 people who have now been killed by this virus in the United States of America. And this attack that continues to be launched on the Senate floor against science and against sound public health policy is standing in the way of us defeating this virus.

Now, I will speak to Senator LEE's objection, but Senator JOHNSON just came to the floor and opened up his remarks by declaring he that wasn't an anti-vaxxer and then just engaged in a 10-minute broadside against vaccines, citing conspiracy theory after conspiracy theory. The effect will be to undermine America's faith in vaccines that are working.

To prove his point, the Senator from Wisconsin read an email from a constituent who got the vaccine and got infected.

I am sure that is true. There are, in fact, people who have gotten the vaccine who have gotten the infection. It isn't 100 percent effective.

But he didn't cite these statistics: those who have been vaccinated are 10 times less likely to be hospitalized. Those who have been vaccinated are 10 times less likely to die.

Here are some numbers from the State of Pennsylvania that I just saw

this morning: In Pennsylvania, 97 percent of deaths are amongst the unvaccinated; 95 percent of hospitalizations are amongst the unvaccinated; and 94 percent of cases are amongst the unvaccinated.

Senator LEE is right, vaccines work—vaccines work, and I appreciate his statement to that effect. But others, like the Senator from Wisconsin, are coming down to the floor, and their words have the effect of undermining people's faith in science, and that is deadly. That is deadly.

As to Senator LEE's objections, I know he makes them in good faith, but my impression is that this Congress and this country decided a long time ago that the government does have a role to play when it comes to the safety of our workplaces. In fact, that is the entire reason for the existence of OSHA. Whether you like it or not, from a policy perspective, OSHA has handed down mandate after mandate about what is necessary for employers to make sure that when you show up to work in a hospital or a factory or a school, that your workplace is safe.

Specifically, this country is not a stranger to vaccine mandates. In fact, every parent who sends their kids to school knows all about vaccine mandates because you have to make sure that your child is vaccinated before they go to school. Most of those schools have relatively reasonable exemptions—often, at the very least, medical exemptions; sometimes religious and philosophical exemptions.

Let's be clear: President Biden's plan includes commonsense considerations for exemptions.

Let's also be clear that, at least with respect to the OSHA requirement, it is a mandate for testing, not for vaccinations. There are other mandates that are requiring the vaccination take place, but the broadest of the proposed mandates is a mandate that everybody get tested; you don't have to get tested if you get the vaccine.

And so I am deeply worried about how unserious this country is about the science and about sound public health policy. We aren't going to get over this pandemic—we aren't going to be able to turn the page—unless people choose to get vaccinated: 10 times less likely to die, 10 times less likely to get hospitalized.

Yes, it is true, there are cases in which there may be medical contraindications. President Biden's plan accounts for that. And yes, it is true that there are individual people who have still had breakthrough cases. But this is an effective vaccine. It is a safe vaccine. And the only way that we save lives is if we stop focusing on ideology and keep our focus on science and what works.

And for that reason, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LEE. Mr. President, I appreciate the insight from my friend and distinguished colleague, the Senator from Connecticut.

I want to be very clear: The limited focus of this bill—the bill that I offered up for passage in the Senate today—is narrow.

It has one purpose: For those Americans who have a medical concern and who have been advised by their doctor, based on some condition associated with their health, that they should not get it, they shouldn't have to choose between getting vaccinated and losing their job.

My friend from Connecticut goes so far, I think, as to implicitly acknowledge that there ought to be an exception made for those people. One, he says, President Biden's vaccine mandate accommodates them.

Well, there is a problem with that. President Biden hasn't issued anything. He has suggested, along with members of his administration, that there might be a somewhat accommodation for them. I am not sure what that means, neither is corporate America. A lot of corporate America, acting on the advice of legal counsel and human resources departments, tends to be adopting rules already. Some of them take exceptions like these into account; others do not.

Look, it is really not too much to ask. I suggest that if you are going to impose a sweeping mandate like this, that you ought to have some protection for people with complicating medical conditions, who, on the advice of a board-certified physician, choose not to get it.

Now, again, this does not mean that I am OK with the rest of the mandate; I am not. And I respectfully, but very strongly, disagree with my friend's characterization that this is just fine for the Federal Government to do.

The Federal Government lacks general police powers. The lion's share of the authority within government in our system lies with the States and their political subdivisions.

Our national government is in charge of just a few basic and distinctively national matters: national defense, a uniformed system of weights and measures, trademarks, copyrights, and patents, regulating trade or commerce between the States with foreign nations and with the Indian Tribes.

There are a number of others, but there is no power in there that just refers to providing generally for laws that make the American people safe and healthy.

Those powers exist in America; they just aren't vested in this government. It doesn't mean that States and localities will always exercise that power wisely or prudently or compassionately, but it means insofar as you are going to act through government, that is the appropriate place and not this one.

Now, my friend from Connecticut then responds by saying, "Yeah, but the power is still there anyway."

Even if I were to assume his point that the power of the Federal Government somehow extends to an individual

vaccine mandate, which it doesn't—and I would challenge him or anyone else to cite what provision of the U.S. Constitution it is that that provides that authority—but even if we were to accept the premise, just for purposes of discussion, that the Federal Government may exercise such authority, the President may not exercise that authority alone.

The very first clause of the first article—in the first section of the first article of that Constitution says: "All legislative Powers herein granted shall be vested in our Congress of the United States, which shall consist of a Senate and House of Representatives."

Article I, section 7 then makes clear that in order to pass a law, a Federal law in the United States—that is, in order to adopt a policy of the Federal Government, enforceable through the overpowering force that is the Federal Government—you have to follow the article I, section 7 formula, which means you have to take a legislative proposal—a bill—you have to pass it in the House, and you have to pass it in the Senate with the same language—and it has to be submitted to the President for signature, veto, or acquiescence.

If you don't undertake that process at all, there is no authority in the executive to do anything like what they are describing. What President Biden has done is to arrogate to himself powers that he not only characterizes as Federal, but, really, are legislative powers that he doesn't possess.

The President of the United States is the chief executive. He is not a lawmaker. And he certainly is not the entire legislative branch. And so that, really, is quite beside the point.

It doesn't make a difference with his Federal authority. The fact that Federal authority is asserted to exist, which it is not, and we can't identify a single clause of article I, section 8, or another part of the Constitution that can fairly be read, especially against the backdrop of its original public meaning, to convey that power—but even if you concede that point, there is no reasonable, plausible, defensible argument that would say the President of the United States may wield this authority unilaterally.

That is what despots and tyrants would have the power to do. And if there is one thing that is very consistent and uniform in our constitutional structure it is that no one person, no one group of people, is ever supposed to be able to accumulate dangerous degrees of power and that the President of the United States is neither a lawmaker nor the entire legislative branch. He may not step into those shoes.

As to the assertion about science, my friend and colleague referred to this as somehow a war on science. It is not a war on science to suggest that the President lacks authority to do something unilaterally. I would call that a war on the Constitution, frankly.

It is not a war on science to say that whenever a government acts, it ought to do so out of an abundance of caution and out of respect for the people to provide reasonable accommodations to individuals who have medical conditions that make them uniquely vulnerable to what the government is inclined to require.

Again, this mandate is unconstitutional. It doesn't make the vaccine bad. In fact, the vaccine is a blessing, and I think the American people have been made safer as a result of it.

That doesn't mean every American must get it. It certainly doesn't mean that it is any of the Federal Government's business to tell people that they have to choose between getting the vaccine and losing their job, especially with regard to individuals who have preexisting medical conditions that would make it dangerous for them to do so in the judgment of their board-certified medical physician. That is wrong. That is absolutely wrong.

Now, look, COVID-19 has imposed a lot of tragedies, and it is heartbreaking. A number of people we have lost, including the individuals who have died in the last month at Tallahassee Memorial Hospital, who he mentioned—every one of those lives is of infinite eternal value. Those are unrepeatable lives lost to a deadly pandemic. My heart goes out to each one of those souls who has departed, along with their families.

We are reminded of the lives that have tragically been lost to COVID-19 by an exhibit that has been up on the Mall, up around the Washington Monument. It is beautiful, really. There are little flags—small flags—each of them white, each one representing one of the Americans who has been lost to COVID-19 since it broke out just over a year and a half ago. There are about 700,000 of those around the Washington Monument. From a distance, it looks a little like snow.

I come from a State where there is usually snow at the top of mountains. It looks familiar to me when I see what looks like snow from a distance, but it is somber as I remember what they actually represent.

If we want to talk about the loss of human life, we have to talk about the loss of all human life, and we also have to talk about the right of each individual to live and to continue living and to follow the advice of medical doctors based on the individuals' own medical conditions.

I sometimes find staggering the accusations that those who have concerns with this are somehow committing a war on science. Against which science? Who exactly is it that is against science—the science that tells us that unborn human life can experience and respond to pain in the womb in 15 or 20 weeks of gestational development?

What would it look like if we had a separate memorial with little red flags instead of little white ones, each representing one of the human lives lost every single year to abortion?

You see, every single year we lose about the same number of human lives to abortion as we have lost to COVID since it first broke out. If for the last 50 years we had a little red flag, each marking one of those human lives lost, there would be a sea of red. It would take up not just the grass all around the Washington Monument, which is large, it would probably take up all the grass between the Capitol, the Washington Monument, and the Lincoln Memorial. It would be a sea of red.

So, no, no, you can't say that this is a war on science to be concerned about individuals being able to make their own decision about whether to get this vaccine.

If you want to accuse people on the other side of the aisle of doing something, you have to stop and think about other decisions that we make—other decisions that some are willing to defend, decisions that involve a whole lot of human suffering and a whole lot of loss of a whole lot of human lives.

I get that a lot of people disagree on these things, but the fact that we disagree on them doesn't mean that they don't exist. It certainly doesn't mean that we can stand by and watch as if a vestigial legislative organ—as one single man steps into the shoes of 435 Representatives or 100 Senators—makes, as it were, a law that, on its own, fails even to accommodate good-faith medical concerns backed up by medical science.

It is too bad that we couldn't pass this simple law today. We could have; we should have; I wish we would have. I will be back. This issue isn't going away. Neither am I.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I ask unanimous consent to complete my remarks before the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF LAUREN J. KING

Ms. CANTWELL. Mr. President, I come to the floor this afternoon to support the nomination of Lauren King to serve as judge for the U.S. District Court of Western Washington. I am pleased to have recommended her to President Biden.

As a citizen of the Muscogee Nation, Ms. King will be the first Native American Federal judge from my home State and only the sixth-ever Native judge in our country's history.

She is extremely well qualified and has an abundance of Tribal court experience, something that is very important in my State. We are home to 29 federally recognized Tribes, and it is long overdue that our Federal court

system includes those who have deep understanding and appreciation of Tribal trust responsibilities and Federal Indian law.

Ms. King has extensive litigation experience and is a recognized leader in Tribal law. She has been a pro tem appellate judge for the Northwest Intertribal Court System since 2013. She has also served as a commissioner on the Washington State Gambling Commission and chairs her law firm's Native American Law Practice Group.

A graduate from the University of Washington and the University of Virginia School of Law, she has also taught Federal Indian law at Seattle University. She has earned the support of the National Congress of American Indians, the Affiliated Tribes of Northwest Indians, and other leading Native organizations.

I know she will make an excellent addition to our court in the Western District of Washington, and I urge my colleagues to support her nomination.

VOTE ON KING NOMINATION

The PRESIDING OFFICER. All postcloture time has expired.

The question is, Will the Senate advise and consent to the King nomination?

Ms. CANTWELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN) is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 407 Ex.]

YEAS—55

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Rosen
Blumenthal	Kaine	Rounds
Booker	Kelly	Sanders
Brown	King	Schatz
Cantwell	Klobuchar	Schumer
Cardin	Leahy	Shaheen
Carper	Lujan	Sinema
Casey	Manchin	Smith
Collins	Markey	Stabenow
Coons	McConnell	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murkowski	Warnock
Gillibrand	Murphy	Warren
Graham	Murray	Whitehouse
Grassley	Ossoff	Wyden
Hassan	Padilla	
Heinrich	Peters	

NAYS—44

Barrasso	Fischer	Risch
Blackburn	Hagerty	Romney
Blunt	Hawley	Rubio
Boozman	Hoeven	Sasse
Braun	Hyde-Smith	Scott (FL)
Burr	Inhofe	Scott (SC)
Capito	Johnson	Shelby
Cassidy	Kennedy	Sullivan
Cornyn	Lankford	Thune
Cotton	Lee	Tillis
Cramer	Lummis	Toomey
Crapo	Marshall	Tuberville
Cruz	Moran	Wicker
Daines	Paul	Young
Ernst	Portman	

NOT VOTING—1

Feinstein

The nomination was confirmed.

The PRESIDING OFFICER (Mr. PETERS). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

The Senator from Virginia.

EXECUTIVE CALENDAR

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate consider Calendar No. 390, and that the Senate vote on the nomination without intervening action or debate.

There being no objection, the Senate proceeded to consider the nomination.

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of the following named officer for appointment to the grade indicated in the United States Space Force under title 10, U.S.C., section 716: to be Brigadier General, Brig. Gen. Gregory J. Gagnon.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Gagnon nomination?

The nomination was confirmed.

Mr. WARNER. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. WARNER. I ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 392 through 399; that the Senate vote on the nominations en bloc, without intervening action or debate; that the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that any statements related to the nomination be printed in the RECORD; and that the President be immediately notified of the Senate's action.

There being no objection, the Senate proceeded to consider the nominations en bloc.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nominations of Jessica D. Aber, of Virginia, to be United States Attorney for the Eastern District of Virginia for the term of four years; Carla B. Freedman, of New York, to be United States Attorney for the Northern District of New York for the term of four years; William J. Ihlenfeld II, of West Virginia, to be United States Attorney for the Northern District of West Virginia for the